UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,080	12/09/2003	Brian J. Cragun	ROC920030193US1	3761

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EXAMINER
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ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/731,080	CRAGUN ET AL.
	Examiner	Art Unit	
	Michael K. Botts	2176	.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 December 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>12/9/03</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This document is the first Office Action on the merits. This action is responsive

to the following communications: The Non-Provisional Application, which was filed on

December 9, 2003.

2.   Claims 1-20 have been examined, with claims 1, 7, 11, and 18 being the

independent claims.

3.   Claims 1-20 are rejected.

Information Disclosure Statement

4.   A signed and dated copy of applicant's IDS, which was filed on December 9,

2003, is attached to this Office Action.

The Specification

5.   Applicant is required to update the status (pending, allowed, etc.) of all parent

priority applications in the first line of the specification. The status of all citations of U.S.

filed applications in the specification should also be updated where appropriate.

6.   The lengthy specification has not been checked to the extent necessary to

determine the presence of all possible minor errors. Applicant's cooperation is

requested in correcting any errors of which applicant may become aware in the

specification.

Claims Rejections – 35 U.S.C. 112, First Paragraph

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7.   **Claims 8 and 9** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitations of data points of differing types and retrieving annotation structures based on the same differing types is not found to be disclosed in the specification.

Upon review of the specification and claims, the Examiner believes that the Applicants intended the limitation to mean data points defining different types of limitations on the data set, yet coving the same data set, such as the words comprising a sentence and the sentence itself. The limitation will be so read for the remainder of this Office Action.

8.   **Claims 14-16, and 19** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use

the invention. The limitations of at least one data point comprises a plurality of data

points is not found to be disclosed in the specification.

Upon review of the specification and claims, the Examiner believes that the

Applicants intended the limitation to mean that an annotation structure could be defined

using more than one type of data point, such as a set of words also being defined within

a sentence and within a block of text. The limitation will be so read for the remainder of

this Office Action.

9.   In the interest of compact prosecution, the application is further examined against

the prior art, as stated below, upon the assumption that the applicants may overcome

the above stated rejection under 35 U.S.C. 112, first paragraph.

Claims Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States.

10.   **Claims 1-6 and 11-20** are rejected under 35 U.S.C. 102(b) as being clearly

anticipated by Gupta, et al. (U.S. Patent 6,956,593 B1, filed September 15, 1999)

[hereinafter "Gupta"].

Regarding **independent claim 1**, Gupta teaches:

> *A method for selecting an annotation structure for use in entering*
>
> *annotation data, comprising:*
>
> *receiving a request from a user to create an annotation for at least one*
>
> *data object identified by a set of identifying parameters; and*
>
> *retrieving, from a configuration file, information identifying at least one*
>
> *annotation structure associated with the at least one data object based, at least*
>
> *in part, on the set of identifying parameters, the annotation structure defining one*
>
> *or more annotation fields.*

(See, Gupta, figure 5, element 222, and col. 2, lines 18-52, teaching receiving a request

from a user to create an annotation. See also, Gupta, col. 9, lines 26-50, teaching

identifying an object by identifying parameters. See also, Gupta, col. 13, lines 25-67,

teaching retrieving from a configuration file information identifying an annotation

structure associated with the data object based on the identifying parameters.

Specifically, the user is able to select, in an embodiment, a segment of a temporal

object based on the timeline of the object. See, Gupta, figures 7-26, and col. 13, lines

11-40, teaching the "dialog box," which presents a plurality of annotation fields.)

Regarding **dependent claim 2**, Gupta teaches:

> *The method of claim 1, further comprising generating a graphical user*
>
> *interface, based on the at least one annotation structure, for receiving annotation*
>
> *data entered by a user.*

(See, Gupta, figures 7-26, and col. 13, lines 41-51, teaching the graphical user interface

based on the annotation structure for receiving annotation data entered by a user.)

Regarding **dependent claim 3**, Gupta teaches:

The method of claim 1, wherein the set of identifying parameters

comprises at least at least one parameter indicating a data source and at least

one parameter indicating an annotatable data object within the data source.

(See, Gupta, figures 7, 11, 12, and 14, and col. 9, line 1 through col. 10, line 6, teaching

identifying the data source and an annotatable data object within the data source, as the

identification of the file and a time segment object within that file.)

Regarding **dependent claim 4**, Gupta teaches:

The method of claim 1, wherein the set of identifying parameters

comprises at least one parameter indicating a data source subtype specifying a

particular type of the data source.

(See, Gupta, col. 9, lines 26-50, teaching that multiple different streams of media may

be identified and annotated.)

Regarding **dependent claim 5**, Gupta teaches:

The method of claim 1, wherein retrieving the information identifying at

least one annotation structure associated with the at least one data object is

based, at least in part, on a role of the user.

(See, Gupta, Figure 3, element 10 ("annotation server"), and col. 13, lines 1-10, and col. 15, line 66 through col. 16, line 14, teaching that the annotations may be structured according to individual read and write privileges.)

Regarding **dependent claim 6**, Gupta teaches:

> *The method of claim 5, wherein retrieving the information identifying the at least one annotation structure comprises searching the configuration file for information identifying one or more annotation structures associated with the set of identified parameters and the role of the user.*

(See, Gupta, col. 15, line 66 through col. 16, line 14, teaching limiting access to annotation searches based on user read and write access rights.)

Regarding **independent claim 11**, Gupta teaches:

> *A computer-readable medium containing an executable component for selecting an annotation structure for use in generating a form for entering annotation data which, when executed by a processor, performs operations comprising:*
>
> *receiving a request from a user to create an annotation for at least one data point identified by a set of identifying parameters; and*
>
> *retrieving, from a configuration file, information identifying at least one annotation structure associated with the at least one data point based, at least in*

part, on the set of identifying parameters, wherein the annotation structure

defines one or more annotation fields.

(Claim 11 incorporates substantially similar subject matter as claimed in claim 1 and is

rejected along the same rationale.)

Regarding **dependent claim 12**, Gupta teaches:

The computer-readable medium of claim 11, wherein retrieving the

information identifying at least one annotation structure associated with the at

least one data point is based, at least in part, on a credential of the user.

(See, Gupta, Figure 3, element 10 ("annotation server"), and col. 13, lines 1-10, and col.

15, line 66 through col. 16, line 14, teaching that the annotations may be structured

according to individual read and write privileges.)

Regarding **dependent claim 13**, Gupta teaches:

The computer-readable medium of claim 12, wherein the credential of the

user comprises an identified role of the user.

(It is noted that the credential of the user is defined in the disclosure as "including the

user's role, security level, associate user group, or the like. See, disclosure, paragraph

[0076].

See, Gupta, Figure 3, element 10 ("annotation server"), and col. 13, lines 1-10,

and col. 15, line 66 through col. 16, line 14, teaching that the annotations may be

structured according to individual read and write privileges. See also, Gupta, col. 20,

lines 13-32, teaching searching annotations by group, such as "student discussion.")

Regarding **dependent claim 14**, Gupta teaches:

> *The computer-readable medium of claim 11, wherein the at least one data*
>
> *point comprises a plurality of data points.*

(See, Gupta, col. 7, line 40 through col. 8, line 19, teaching that an annotation object

may be defined by a variety of time segments, for example the object contained

between seconds 5 and 6 is also contained between seconds 4 and 7, and likewise

between seconds 3 and 8.)

Regarding **dependent claim 15**, Gupta teaches:

> *The computer-readable medium of claim 14, wherein the plurality of data*
>
> *points comprises data points from different data sources.*

(See, Gupta, col. 1, lines 55-61, teaching that the "streaming media" of the invention is

comprised of various types of sources such as audio and video.)

Regarding **dependent claim 16**, Gupta teaches:

> *The computer-readable medium of claim 14, wherein retrieving, from a*
>
> *configuration file, information identifying at least one annotation structure*
>
> *associated with the at least one data object comprises:*
>
> *determining if the plurality of data points are of differing types; and*

> *if so, retrieving, from a configuration file, one or more annotation*
>
> *structures associated with a set of data points of the same differing types.*

(See, Gupta, col. 7, lines 45-58, teaching identification of annotation structures by differing data points of "time range" and "time units." See also, Gupta, col. 13, lines 52-67, teaching identification of an annotation structure by the time range as defined by the time units from a begin time and an end time, with the time designations being differing types of data points.)

Regarding **dependent claim 17**, Gupta teaches:

> *The computer-readable medium of claim 16, wherein retrieving the one or*
>
> *more annotation structures, comprises:*
>
> *determining, for each differing type, if a number of data points in the*
>
> *specified set having that type falls within a range specified in the configuration*
>
> *file; and*
>
> *if so, retrieving an identification of one or more annotation structures*
>
> *associated with the set of data points of the same differing types.*

(See, Gupta, col. 7, lines 45-58, teaching identification of annotation structures by differing data points of "time range" and "time units." See also, Gupta, col. 13, lines 52-67, teaching identification of an annotation structure by the time range as defined by the time units from a begin time and an end time, with the time designations being differing types of data points.)

Regarding **independent claim 18**, Gupta teaches:

> *A system for creating annotations for data points contained in one or more*
>
> *different type data sources, comprising:*
>
> *a set of annotation structures, each specifying one or more annotation*
>
> *fields;*
>
> *at least one configuration file associating annotation structures with sets of*
>
> *one or more annotatable data points; and*
>
> *an annotation server configured to receive a request from a user to create*
>
> *an annotation for at least one data point identified by a set of identifying*
>
> *parameters and retrieve, from the configuration file, information identifying at*
>
> *least one annotation structure associated with the at least one data point based*
>
> *on the set of identifying parameters and a role of the user.*

(See also, Gupta, figure 1, element 10 ("annotation server"), and figure 1, elements 17

and 18 storing the annotation structures, and col. 13, line 25 through col. 14, line 65,

teaching the "dialog box" connected to the annotation server to create configurations

files associating annotation structures with sets of data points.

See also, Gupta, Figure 3, element 10 ("annotation server"), and col. 13, lines 1-

10, and col. 15, line 66 through col. 16, line 14, teaching that the annotations may be

structured according to individual read and write privileges.)

Regarding **dependent claim 19**, Gupta teaches:

> *The system of claim 18, wherein the at least one data point comprises a*
>
> *plurality of data points from at least two different data sources.*

(See, Gupta, col. 1, lines 55-61, teaching that the "streaming media" of the invention is

comprised of various types of sources such as audio and video.)

Regarding **dependent claim 20**, Gupta teaches:

> *The system of claim 18, wherein the at least one configuration file*
>
> *comprises:*
>
> *at least one point map associating one or more annotation structures with*
>
> *a data point of a single type; and*
>
> *at least one disparate point set map associating one or more annotation*
>
> *structures with a set of data points, wherein the set of data points comprises at*
>
> *least two different type data points.*

(Claim 20 incorporates substantially similar subject matter as claimed in claim 1 and, in

further view of the following is rejected along the same rationale. See, Gupta, col. 7,

line 40 through col. 8, line 19, teaching a variety of data points available to the user to

select data for annotation, including, time line beginning and end, and audio and video

signal tracking.)

11.   It is noted that any citations to specific, pages, columns, lines, or figures in the

prior art references and any interpretation of the references should not be considered to

be limiting in any way. A reference is relevant for all it contains and may be relied upon

for all that it would have reasonably suggested to one having ordinary skill in the art.

See, MPEP 2123.

Claims Rejection – 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12.   **Claims 7-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gupta, et al. (U.S. Patent 6,956,593 B1, filed September 15, 1999) [hereinafter

"Gupta"].

Regarding **independent claim 7**, Gupta teaches:

> *A method for annotating a set of disparate data points, comprising:*
>
> *receiving a request from a user to create an annotation for a specified set*
> *of data points;*
>
> *determining if the data points are of the same type;*
>
> *if so, retrieving, from a configuration file, at least one annotation structure*
> *associated with the same type as the data points; and*

> *generating, based on the annotation structure, an interface for entering*
>
> *annotation information to be associated with the specified set of data points.*

(See, Gupta, col. 7, line 40 through col. 8, line 19, teaching a variety of data points available to the user to select data for annotation, including, time line beginning and end, and audio and video signal tracking.

Gupta does not expressly teach determining if the data points are of the same type.

It would have been obvious to one or ordinary skill in the art at the time of the invention to check to see if the data points were of the same type, such as both point being time entries, or audio entries, or objects viewable in the display.

The suggestion or motivation for determining that the data points are the same type is for the obvious and beneficial purpose of ensuring that the object selected for annotation is one consistent object.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have specifically determined whether the data points were of the same type, as specified in claim 7.

Regarding **dependent claim 8**, Gupta teaches:

> *The method of claim 7, further comprising, if the data points are of*
>
> *differing types, retrieving, from a configuration file, at least one annotation*
>
> *structure associated with a set of data points of the same differing types.*

(See, Gupta, col. 7, lines 45-58, teaching identification of annotation structures by differing data points of "time range" and "time units.")

Regarding **dependent claim 9**, Gupta teaches:

> *The method of claim 8, wherein retrieving the one or more annotation structures associated with the set of data points of the same differing types, comprises:*

> *determining, for each differing type, if a number of data points in the specified set having that type falls within a range specified in the configuration file; and if so, retrieving an identification of one or more annotation structures associated with the set of data points of the same differing types.*

(See, Gupta, col. 7, lines 45-58, teaching identification of annotation structures by differing data points of "time range" and "time units." See also, Gupta, col. 13, lines 52-67, teaching identification of an annotation structure by the time range as defined by the time units from a begin time and an end time, with the time designations being differing types of data points.)

Regarding **dependent claim 10**, Gupta teaches:

> *The method of claim 7, wherein retrieving the one or more annotation structures comprises retrieving only annotation structures associated with a specified role of the user.*

(See, Gupta, Figure 3, element 10 ("annotation server"), and col. 13, lines 1-10, and col. 15, line 66 through col. 16, line 14, teaching that the annotations may be structured according to individual read and write privileges.)

13.   It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

Conclusion

14.   The following prior art is made of record and not relied upon that is considered pertinent to applicants' disclosure:

Bays, et al. (U.S. Patent 6,519,603 B1), teaching annotations structure and querying data and annotations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael K. Botts whose telephone number is 571-272-5533. The examiner can normally be reached on Monday through Friday 8:00-4:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

MKB/mkb

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